

15642. Adulteration of fig paste. U. S. v. 300 Cases of Fig Paste. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22371. I. S. No. 17348-x. S. No. 422.)

On January 13, 1928, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 300 cases of fig paste, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Markarian Fig Gardens, from Fresno, Calif., on or about December 24, 1927, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Markarian's Fig Garden Brand Calimyrna Fig Paste Packed by Markarian Fig Gardens, Fresno, Calif."

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 8, 1928, the Markarian Fig Gardens, Fresno, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned that it not be sold or otherwise disposed of contrary to law.

W. M. JARDINE, *Secretary of Agriculture.*

15643. Adulteration of scallops. U. S. v. 19 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22668. I. S. No. 21703-x. S. No. 670.)

On March 7, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 19 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned March 3, 1928, alleging that the article had been shipped by the Atlantic Coast Oyster Co., Wachapreague, Va., and had been transported from the State of Virginia into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On March 28, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15644. Misbranding of cottonseed meal. U. S. v. 100 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22297. I. S. No. 23342-x. S. No. 353.)

On December 17, 1927, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 100 sacks of cottonseed meal, at Crawford, Nebr., alleging that the article had been shipped by the Traders Oil Mill Co., from Fort Worth, Tex., on or about December 9, 1927, and transported from the State of Texas into the State of Nebraska, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43 per cent Protein Cottonseed Meal Prime Quality Manufactured by Oil Traders Mill Company, Fort Worth, Texas Guaranteed Analysis crude protein not less than 43 per cent."

It was alleged in the libel that the article was misbranded in that the statements, "43 per cent Protein" and "Crude protein not less than 43 per cent," borne on the label, were false and misleading and deceived and misled the purchaser.

On December 26, 1927, the Traders Oil Mill Co., Fort Worth, Tex., claimant, having admitted the allegations of the libel and having consented that judgment for the condemnation and forfeiture of the property be entered, a decree was entered finding the product misbranded, and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the exe-